



April 17, 2007

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12 Street SW
Room TW-B204
Washington, DC 20554

Re: CG Docket 05-213 (Captioning) and 06-203 (Cell phones) ex Parte Meetings

Dear Ms Dortch:

On Tuesday, April 17, 2007, I met with FCC Commissioners, their legal staff Consumer and Government Affairs Bureau. The purpose of the meetings was to discuss hearing aid accessible cell phones and appropriate television captioning standards.

We discussed the need for the FCC to meet with cell phone manufacturers and cell phone providers in the GSM network to learn what each companies' financial and time commitments are to overcome the M4 hurdle in the GSM network.

We also discussed captioning standards (Exhibit A and B) that are based on Deafness Research Foundation's work with a television network, captioning companies and production companies.

Meetings were held with:

Commissioner Jonathan S. Adelstein
Barry J. Ohlson, Senior Legal Advisor to Commissioner Adelstein
Scott Bergmann, Legal Advisor for Wireline Issues to Commissioner Adelstein

Commissioner Robert M. McDowell
(This meeting was held informally in the hallway.)

Michelle Carey, Senior Legal Advisor Media Issues to Chairman Kevin J. Martin
Erika Olsen, Acting Legal Advisor Wireless Issues to Chairman Kevin J. Martin

Jeffrey Steinberg, Deputy Chief, Commercial Wireless Division



Christina Eads Clearwater, Legal Advisor Spectrum & Competition Policy Division, Wireless Telecommunications Bureau

Cathy Seidel, Bureau Chief, Consumer and Governmental Affairs Bureau

Respectfully submitted,

Janice L. Schacter
Executive Director

Exhibit A

Recommended Captioning Standards

A. Issues

1. There is no accountability. No one is tracking, monitoring and/or logging the captioning.
2. The captioning standards used by companies are considered proprietary information so they vary by company.
3. Networks and production companies won't develop standards or approach the FCC with their concerns for fear of legal retribution by the FCC.
4. Service Level Agreements are not widely used for captioning.
5. Captioning is decentralized and varies by show.
6. There is no "one-stop shopping place" for the consumer to complain. Each network and cable company should have a place on their website where the consumer can log their captioning complaints. The consumer is, currently, caught between the captioning company, the production company, the network and the cable company. The ultimate captioning responsibility varies based on the show. The consumer has no ability to determine whom to contact for any show.
7. Production companies are captioning reality shows live for fear of the show's ending being disclosed or to give themselves more time to edit shows. Live captioning should not be permitted unless a show is truly live. Non-Disclosure Agreements, on-site captioners and appropriate time schedules permit appropriate captioning.
8. True live-captioned shows should require a Broadcast Coordinator to coordinate the advance materials to assist the captioner with spelling accuracy.

9. Some captioning companies may be failing to upgrade their technology and software and consumers are thus receiving an inferior product. E.g. some companies use upper case and not mixed case because they have not upgraded their software.

B. Types of Shows

1. Pre-Recorded Shows

a. Words

- No deletion of letters.
- No combining of words.
- Include all spoken words verbatim and don't paraphrase.
- There should be a 100% accuracy rate.

b. Music

- Include the words for all music.
- Describe type of music when the music does not have words. E.g. dramatic music.

c. Sounds

- Identify all sounds unless obvious.
- Include "ums". It is dangerous to allow a captioner to make editorial decisions.

d. Conversations

- Include background conversations.
- Identify the speaker when not visible.
- Identify the speaker with upper case and a colon. E.g. SUSAN: Yes, I want dinner versus using a parenthetical.
- Place captioning in position of speaker's location when there are multiple speakers on screen.
- No paraphrasing.

e. Caption Placement

- Captions should not obscure information relevant to understanding or enjoying a program such as but not limited to covering people's faces, descriptive banners. Please see attached photos from *American Idol* to see what happens when the captions shift. No captions should ever run across a person's face. At times, the speaker is not visible and appears decapitated.

f. Captioning Style

- Use mixed case letters. Television screens now permit the adjustment of font size. Updated software no longer deletes the descenders of letters such as "g" or "q". Therefore, upper case should not be used.
- Require Pop-up versus roll-up format.

- Begin pop-up as the person speaking begins the first word of the pop-up.
- g. Announcements/Commercials/Previews
 - Require the captioning of all announcements, commercials and previews.
 - Require captioning requirements and standards to be included in all contracts with production companies and advertisers.
- h. No show should be captioned as live unless it is really live.
 - Use on-site captioners if the studio does not want to release the tape prior to the airing of a show. *The Apprentice* now uses an on-site captioner. They previously captioned the show live.

2. Live Shows

- a. Mixed case should be required.
- b. Only true “live” show should be permitted to caption using the live technique and standards.

Show such as *Jay Leno* and reality shows are captioning live when they are pre-taped.
- c. All live shows should be required to have a Broadcast Coordinator.

The Broadcast Coordinator can supply a list of words to the Captioner that are likely to be used during the show. The show is not able to supply every word but they can supply a list of topics, names of guests and any points likely to be discussed. E.g. on *Martha Stewart* the captioner should have known in advance that Martha was going to discuss the word Neapolitan. Instead the word was incorrectly spelled as “Knee poll on the”.
- d. Include the captioner’s name in the credits.

This can be either a real or fictitious company produced name. Perhaps giving ownership to the captioner will be an incentive to the captioner to work harder to ensure the words are spelled correctly.

C. Conclusion

There are many standards that can be mandated even though it may not be possible to anticipate every issue. The standards should be reviewed annually. The standards listed above are already being used by some companies but there needs to be uniformity across the board.

Many companies bid their captioning contracts based on price alone. There cannot be quality captioning when price is the sole determiner for obtaining a contract. People with hearing loss have no market force to affect change across the Board. I personally spent an incredible amount of time working with one network and one show. It is not possible to affect this change across the board without uniform FCC standards.

Exhibit B

Examples of Inappropriate Captioning Placement

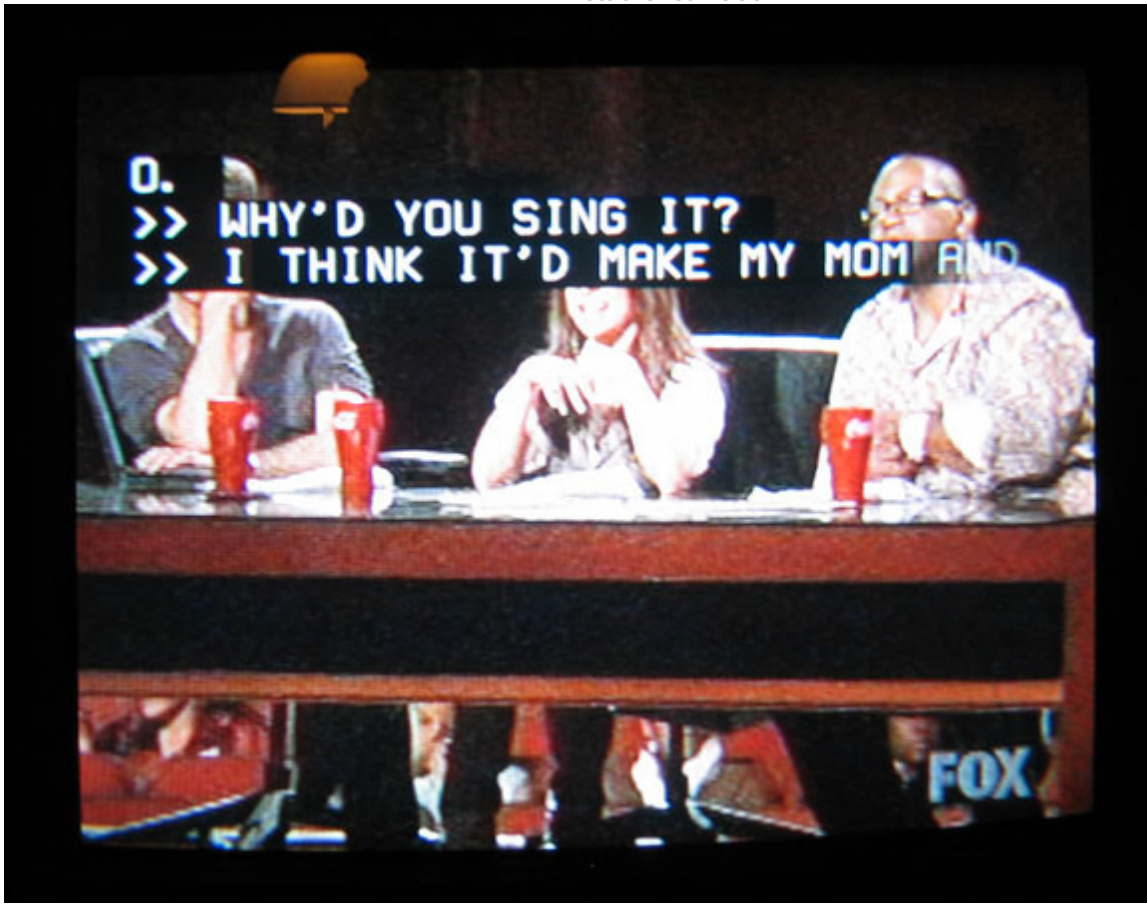
Fox: American Idol, February 14, 2007

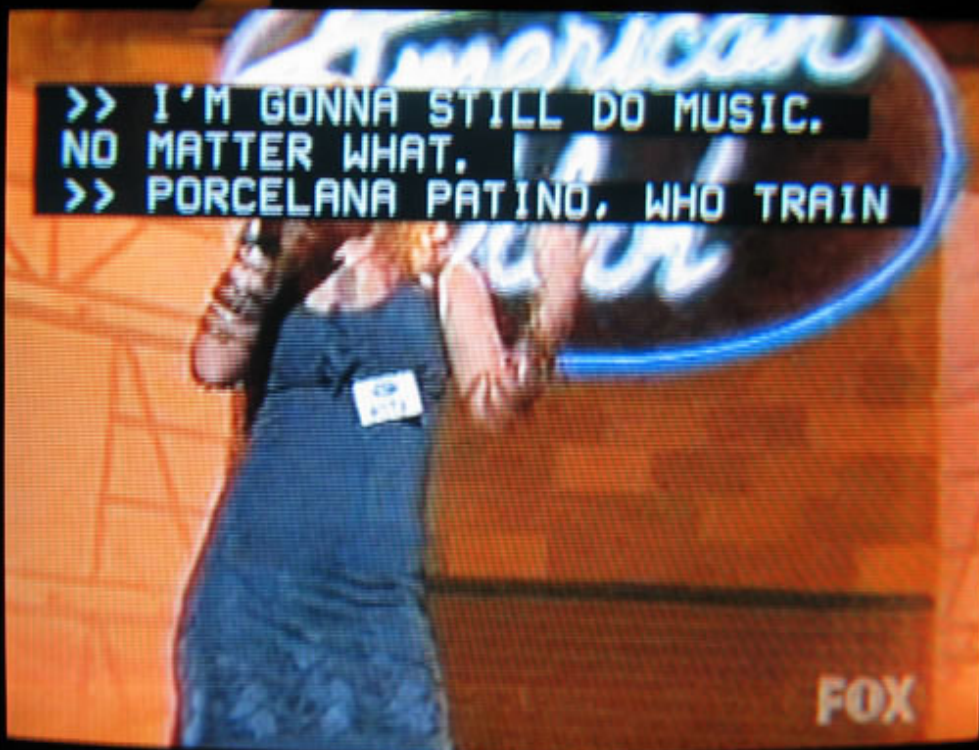


Deafness
Research
Foundation

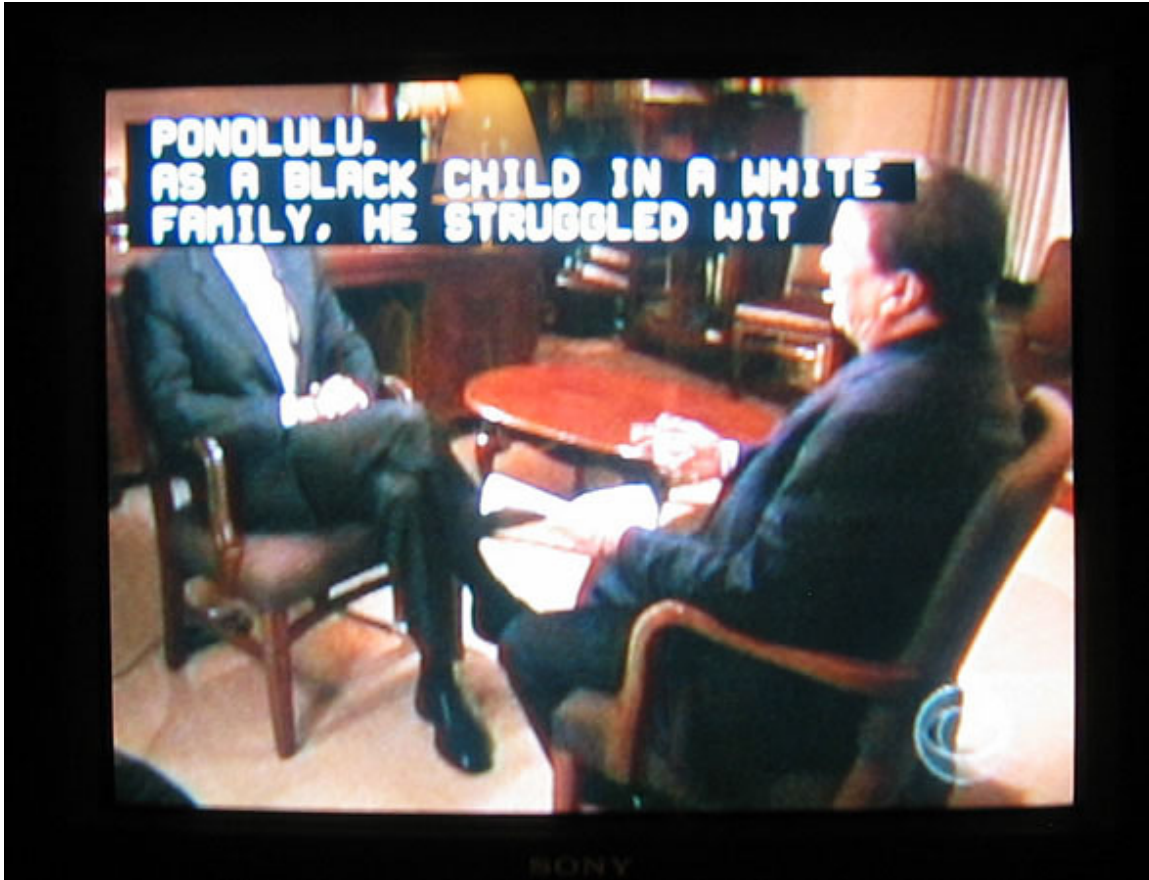
Established 1958







CBS: 60 minutes: February 11, 2007



Example of Appropriate Captioning Placement

NBC: Law and Order Special Victims Unit, February 6, 2007

